

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4431 OF 2007

Uttamrao Aliya Kamble ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Dr.V.V. Tulzapurkar, Sr. Advocate i/b. G.S. Godbole, for the Petitioner.
Mr.P.M. Khemani, AGP, for Respondent No.1
Mr.A.Y. Sakhare, Sr. Advocate i/b. J. Shekhar, for Respondent Nos.2 & 3.
Mr.S. Anney, Sr. Advocate i/b. J.N. Pawar, for Respondent No.4.

CORAM : J.N. PATEL &
A.A. SAYED, JJ.

DATE : 11TH JUNE, 2007.

P.C. :

1. As we have not considered the matter on merits, the contentious issues and contentions raised by the learned Counsel for the parties are left open.

2. Heard the learned Counsel for the parties.

3. A preliminary objection is raised by Mr.Pawar, the learned Counsel appearing for Respondent No.4 and Mr.Sakhare, the learned Counsel appearing for Respondent Nos.2 and 3, submits that the issue is

already settled by a Division Bench of this Court. Dr.Tulzapurkar, the learned Senior Counsel appearing for the Petitioner, submits that when the Division Bench disposed of the Petition filed by Vasant Nivrutti Gite and Ors. alongwith other Writ Petitions (i.e. Writ Petition Nos.2564/2007, 2587/2007, 2622/2007) by its judgment and order dated 30.04.2007, these directions are issued pursuant to the amendment, i.e. incorporating Section 31(A) by way of amendment to the Bombay Provincial Municipal Corporations Act, 1949, which were not brought to the notice of the Hon'ble Division Bench.

4. The learned Counsel for the Petitioner submits that the Petitioner may be permitted to withdraw the Petition with liberty to file a fresh petition in case any breach of the directives which is the subject matter of this Petition by way of apprehension.

5. Permitted to withdraw the Writ Petition with liberty. The Petition is dismissed as withdrawn.

[J.N. PATEL, J.]

[A.A. SAYED, J.]